

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MILTON BAYTOPS,

Plaintiff,

Case No. 20-cv-11630
Hon. Matthew F. Leitman

v.

STEVE SLOMINSKI, *et al.*,

Defendants.

/

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION
OF MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION (ECF No. 87) AND (2) GRANTING
DEFENDANTS' MOTION TO DISMISS (ECF No. 76)**

Plaintiff Milton Baytops is a state inmate in the custody of the Michigan Department of Corrections. On June 8, 2020, Baytops filed a *pro se* civil-rights Complaint in the Western District of Michigan under 42 U.S.C. § 1983. (*See* Compl., ECF No. 1.) He alleged, among other things, that several Michigan State Police Officers subjected him to excessive force during a raid on his girlfriend's apartment. (*See id.*) This action was transferred from the Western District to this Court on June 22, 2020. (*See* ECF No. 3.)

The Defendants have now moved to dismiss Baytops' claims. (*See* Mot. to Dismiss, ECF No. 76.) On June 30, 2023, the assigned Magistrate Judge issued a Report and Recommendation in which he recommended that the Court grant

Defendants' motion and dismiss Baytops' Complaint "in its entirety" (the "R&R"). (R&R, ECF No. 87, PageID.989.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wished to file objections to his recommendation, they needed to file specific objections with the Court within 14 days. (*See id.*) The Magistrate Judge further explained that "[a]ny objection must precisely recite the provision of [the R&R] to which it pertains." (*Id.*, PageID.990.) Finally, the Magistrate Judge warned that the "[f]ailure to file specific objections constitutes a waiver of any further right of appeal" and that "[f]iling objections that raise some issues but fail to raise others with specificity will not preserve all the objections a party might have." (*Id.*, PageID.989-990.)

On July 17, 2023, Baytops filed a one-page document with the Court that he titled "Motion to Strike Defendant's Recommendation to Grant Defendant's Motion to Dismiss." (ECF No. 89.) The Court construes Baytops' filing as an objection to the R&R and **OVERRULES** it. In his objection, Baytops seems to argue that the Court should deny Defendants' motion because it was not filed in compliance with a scheduling order issued by the Magistrate Judge. (*See id.*) But it appears that Defendants' motion was timely filed. Indeed, the Magistrate Judge ordered that the deadline for Defendants to file a Rule 12 motion was October 5, 2022 (*see* Scheduling Order, ECF No. 60), and Defendants filed their motion on that date. (*See* Mot. to Dismiss, ECF No. 76.) Moreover, and in any event, Baytops' objections do

not address the bases for dismissal explained in the R&R. Nor do the objections point out any legal or factual errors in the R&R or mention the R&R in any way. Thus, the objections are insufficient as a matter of law. *See, e.g., Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995) (“[A] general objection to a magistrate’s report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed. The objections must be clear enough to discern those issues that are dispositive and contentious”); *Zimmerman v. Cason*, 354 F. App’x 228, 230 (6th Cir. 2009) (explaining that “[t]he filing of vague, general, or conclusory objections does not meet the requirement of specific objections and is tantamount to a complete failure to object”). ! Simply put, Baytops has not made any effort to persuade the Court that the Magistrate Judge’s recommendation was in error.

Accordingly, for all of the reasons stated above, **IT IS HEREBY ORDERED** that (1) Baytops’ objections to the R&R (ECF No. 89) are **OVERRULED**, (2) the recommended disposition of the R&R (ECF No. 87) is **ADOPTED**, (3) Defendants’ motion to dismiss (ECF No. 76) is **GRANTED**, and (4) Baytops Complaint is **DISMISSED**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: August 1, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 1, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
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